

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RODNEY L. EMIL,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

3:00-cv-0654-KJD-VPC

ORDER

In this capital habeas corpus action, the petitioner, Rodney L. Emil, has filed a motion (ECF No. 226) requesting that the court unseal the Supplemental Briefing Regarding the Request of Rene L. Valladares for Approval of Substitution of Attorney for Petitioner (“Supplemental Briefing”) (ECF No. 205).

The sealed Supplemental Briefing was filed on July 3, 2012, by the Federal Public Defender for the District of Nevada (“Nevada FPD”), who was Emil’s counsel at that time. The Nevada FPD filed the Supplemental Briefing to provide explanation regarding the conflict that prompted that office to seek to withdraw from their representation of Emil in this case.

On July 12, 2012, the court granted the Nevada FPD’s motion to withdraw, discharged the Nevada FPD, and appointed, in place of the Nevada FPD, the Federal Public Defender for the Central District of California. *See* Order entered July 12, 2012 (ECF No. 206).

1 After the replacement of his counsel, Emil filed a third amended habeas petition on
2 March 11, 2013 (ECF No. 212). Respondents then filed a motion to dismiss on June 24, 2013
3 (ECF No. 216). On September 11, 2013, Emil filed a motion for stay (ECF No. 220). The briefing
4 of the motion to dismiss was suspended pending resolution of the motion for stay, and the parties
5 briefed the motion for stay (ECF Nos. 223, 227). On October 25, 2013, Emil filed the motion
6 requesting that the Supplemental Briefing be unsealed (ECF No. 226).

7 The motion to unseal the Supplemental Briefing is unopposed by respondents. *See* Motion to
8 Unseal Supplemental Briefing (ECF No. 226), p. 3 (Declaration of Mark Yim). The court will grant
9 the motion. Emil states that the information in the Supplemental Briefing is relevant to this litigation
10 -- it appears to be relevant to the motion for stay that is pending before the court -- and Emil states
11 that he “now believes that his interest in this litigation outweighs any interest he formerly had in
12 keeping such information confidential.” Motion to Unseal Supplemental Briefing, pp. 1-2. There
13 appears to be no reason why the Supplemental Briefing should remain sealed. Moreover, the
14 court takes judicial notice of the order entered on January 28, 2013 in *Robins v. Baker*, 2:99-cv-
15 0412-LRH-PAL (ECF No. 242, in the electronic file for that case), in which similar briefing was
16 unsealed, upon a stipulation of the parties.

17 **IT IS THEREFORE ORDERED** that petitioner’s “Unopposed Motion to Unseal
18 Supplemental Briefing in Support of Substitution of Counsel in Docket No. 205” (ECF No. 226) is
19 **GRANTED**.

20 **IT IS FURTHER ORDERED** that the Clerk of the Court shall unseal the documents at ECF
21 No. 205 in the electronic file for this action.

22 Dated this 12 day of November, 2013.

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UNITED STATES DISTRICT JUDGE
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